

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MARY LOUISE SERAFINE,
Plaintiff,

V.

DAVID SLAYTON, *Administrative Director* §
of the Office of Court Administration of Texas; §
the honorable LORA J. LIVINGSTON, *Local* §
Administrative Judge, Travis County, Texas; and §
the honorable VELVA R. PRICE, *District Clerk* §
Travis County, Texas, §
all in their official capacities, §
Defendants. §

§

1:20-cv-1249-RP

**DEFENDANTS JUDGE LIVINGSTON AND DISTRICT CLERK PRICE'S ADVISORY
REGARDING FILING OF DEFENDANTS' REPLY IN SUPPORT OF DEFENDANTS
JUDGE LIVINGSTON AND CLERK PRICE'S MOTION TO DISMISS [ECF NO. 43]**

TO THE HONORABLE U. S. DISTRICT JUDGE ROBERT PITMAN:

COME NOW Defendants Hon. Lora Livingston, District Judge, 261st Judicial District, Travis County, Texas (“Judge Livingston”), and Hon. Velva Price, Travis County District Clerk (“District Clerk Price”), and file this Advisory regarding the filing of their Reply to Plaintiff’s Response to Defendants Judge Livingston and Clerk Price’s Motion to Dismiss [ECF No. 43]. In support thereof, Defendants Judge Livingston and Clerk Price offer the following:

1. On June 7, 2021, Defendants Judge Livingston and District Clerk Price moved for an extension of time to file their Reply to Plaintiff's Response to their Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to FRCP 12(b)(1) and 12(b)(6) [ECF No. 43],¹ which was granted by the Court on June 8, 2021, extending Defendants' deadline to June 16, 2021.²

¹ See, ECF No. 46.

² See, Text Order of June 8, 2021, granting ECF No. 46.

2. On June 14, 2021, at 11:00 p.m., Plaintiff sent to all counsel of record a conference email regarding her intention to file a Motion for Leave to File a Second Amended Complaint, inquiring as to whether defendants would be opposed. By 5:30 p.m. on June 15, 2021, counsel for Defendants had both advised that they were opposed to the motion.

3. Plaintiff had indicated her initial desire to file the Motion for Leave on June 15, 2021. In follow up email correspondence Plaintiff confirmed that she will be filing the motion today.

4. In their June 14-15 conference email exchange, the undersigned counsel advised Plaintiff that, should the Court grant leave for Plaintiff to file a Second Amended Complaint, it could result in Defendants' Motions to Dismiss being deemed moot, and expressed concern over wasting time and resources of finalizing a reply prior to the Court ruling on Plaintiff's Motion for Leave. In light of these circumstances, and the current briefing schedule, counsel agreed that Defendants Judge Livingston and District Clerk Price's Reply deadline should be tolled for a minimum of three business days after this Court rules on Plaintiff's Motion for Leave, should the Court deny Plaintiff leave to file a Second Amended Complaint, and Defendants' current motions to dismiss remain pending.

5. Accordingly, in light of the foregoing Advisory, and the Agreement of Counsel, Defendants Judge Livingston and District Clerk Price request that their June 16, 2021 Reply deadline be tolled for a minimum of three business days after this Court's ruling on Plaintiff's Motion for Leave, and for such other relief the Court deems equitable and appropriate.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS
JUDGE LORA LIVINGSTON
AND DISTRICT CLERK VELVA PRICE

CERTIFICATE OF CONFERENCE

On June 14 and 15, 2021, counsel for Defendants Judge Livingston and District Clerk Price conferred with Plaintiff Mary Louise Serafine, who is an attorney, regarding the tolling Defendants Judge Livingston and District Clerk Price's Reply deadline for a minimum of three business days after this Court rules on Plaintiff's Motion for Leave to File a Second Amended Complaint. Plaintiff agreed to such tolling of the June 16, 2021 reply deadline.

/s/ Anthony J. Nelson
Anthony J. Nelson
Assistant County Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Via electronic service

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